

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION
NO. 7:10-CR-153-1D (2)

UNITED STATES OF AMERICA)
)
 v.)
)
 YUNIOR ALBARRAN-TORRES)

PRELIMINARY ORDER OF FORFEITURE

WHEREAS, pursuant to the entry of a Memorandum of Plea Agreement entered into by the defendant, Yunior Albarran-Torres, on May 16, 2011, and the Consent to Forfeiture entered into by Defendant Albarran-Torres on September 13, 2011, the following property is hereby forfeitable pursuant to 18 U.S.C. § 924(d)(1), made applicable to this proceeding by virtue of 28 U.S.C. § 2461(c), as firearms used in knowing violations of 18 U.S.C. § 922(g)(1) and 924, to wit:

Firearms - A Norinco, Model BWK-92 Sporter, .223 caliber rifle, Serial Number: 305028 and any and all accompanying ammunition; A Smith and Wesson, Model 6906, 9mm pistol, Serial Number: TZC7012 and any and all accompanying ammunition; A Taurus, Model PT AFS, 9mm pistol, Serial Number: TAO46960 and any and all accompanying ammunition; and A Colt' PT.F.A. MGF. CO, Model Colt Custom, 9mm pistol, Serial Number: ELCEN4595.

WHEREAS, by virtue of said Memorandum of Plea Agreement and Consent to Forfeiture, the United States is now entitled to

possession of said personal property, pursuant to 18 U.S.C. § 924(d);

It is hereby ORDERED, ADJUDGED and DECREED:

1. That based upon the Memorandum of Plea Agreement and the Consent to Forfeiture as to the defendant Yunior Albarran-Torres, the United States is hereby authorized to seize the above-stated personal property, and it is hereby forfeited to the United States for disposition in accordance with the law, including destruction, as allowed by Fed. R. Crim. P. 32.2(b)(3). In accordance with Fed. R. Crim. P. 32.2(b)(3), this Order is now final as to the defendant.

2. That upon sentencing and issuance of the Judgment and Commitment Order, the Clerk of Court is directed to incorporate a reference to this Preliminary Order of Forfeiture in the applicable section of the Judgment, as required by Fed. R. Crim. P. 32.2(b)(3).

3. That pursuant to 21 U.S.C. § 853(n), the United States shall publish notice of this Order and of its intent to dispose of the property in such manner as the Attorney General directs, by publishing and sending notice in the same manner as in civil forfeiture cases, as provided in Supplemental Rule G(4). Any person other than the defendant, having or claiming any legal interest in the subject property must file a petition with the

Court within 30 days of the publication of notice or of receipt of actual notice, whichever is earlier.

The petition must be signed by the petitioner under penalty of perjury and shall set forth the nature and extent of the petitioner's right, title, or interest in the subject property, and must include any additional facts supporting the petitioner's claim and the relief sought.

4. That upon adjudication of all third party interests this Court will enter a Final Order of Forfeiture pursuant to 21 U.S.C. § 853, as required by Fed. R. Crim. P. 32.2(c).

SO ORDERED. This 20 day of September, 2011.



JAMES C. DEVER, III
United States District Judge